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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 **TIMOTHY WAYNE SMITH,**

14 Petitioner,

15 v.

16 **JAMES YATES, Warden,**

17 Respondent.
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C 08-0007 RMW (PR)

**APPLICATION FOR EXTENSION
OF TIME TO FILE RESPONSE**

19 Pursuant to Civil L.R. 6-3 and Habeas L.R. 2254-6, respondent hereby requests a 60-day
20 extension of time from today's date until October 26, 2008, in which to file a response to the petition
21 for writ of habeas corpus. Good cause for the extension is set forth in the accompanying declaration
22 of counsel. We have not attempted to contact petitioner, who is an incarcerated state prisoner
23 representing himself in this case.

24 WHEREFORE, respondent respectfully requests that this Court grant an extension of time
25 to and including October 26, 2008, in which to file the answer or other responsive pleading.
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1 Dated: August 27, 2008

2 Respectfully submitted,

3 EDMUND G. BROWN JR.
4 Attorney General of the State of California

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